

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49114 of 2015

Arising Out of PS.Case No. -53 Year- 2015 Thana -BELSAND District- SITAMARHI

- =====
1. KUNDAN PANDEY, Son of Ramakant Pandey, Resident of village- Maarar, P.S.- Belsand, District- Sitamarhi.
 2. KAMESH PANDEY, son of Bhikari Pandey, Resident of village- Maarar, P.S.- Belsand, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Shailendra Kumar No.1(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 12-02-2016 Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offences punishable under sections 302 and 120 B/34 of the I.P.C and section 27 of the Arms Act.

Allegedly, Bharat Mahto, the husband of the informant, went with co-accused Dhanai Pandit but he did not return and thereafter his dead body was found near the house of Pheku Sah and the petitioners and others have been named that due to previous enmity they have killed Bharat Mahto and they were talking with the deceased.

Submission is of false implication and that there is no

witness of the occurrence, except suspicion there is nothing against the petitioners, during investigation no other material has come and the petitioners are suffering in custody since 31.07.2015 having no criminal antecedents.

The learned A.P.P. does not oppose the aforesaid submission.

In the facts and circumstances as stated above, considering that charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence and as such the above named two petitioners are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Sitamarhi in Belsand P.S. Case No. 53 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

Abhay/-

(Jitendra Mohan Sharma, J)

U		T	
---	--	---	--